

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

CHRISTOPHER HOWE, individually )  
and on behalf of all others )  
similarly situated, )  
Plaintiff, )  
v. ) No. 19 C 1374  
SPEEDWAY LLC and MARATHON )  
PETROLEUM COMPANY, ) Chicago, Illinois  
Defendants. ) July 2, 2019  
9:00 a.m.

TRANSCRIPT OF PROCEEDINGS  
BEFORE THE HONORABLE ANDREA R. WOOD

APPEARANCES:

For the Plaintiff: STEPHAN ZOURAS, LLP  
BY: MR. ANDREW C. FICZKO  
100 North Riverside Plaza  
Suite 2150  
Chicago, Illinois 60606  
(312) 233-1550

For the Defendants: SHOOK, HARDY & BACON LLP  
BY: MR. GARY M. MILLER  
111 South Wacker Drive  
Suite 5100  
Chicago, Illinois 60606  
(312) 704-7700

1 (Proceedings had in open court:)

2 THE CLERK: 19 CV 1374, Howe v. Speedway.

3 MR. MILLER: Good morning, your Honor. Gary Miller  
4 for Speedway and Marathon.

5 MR. FICZKO: Good morning, your Honor. Andy Ficzko  
6 on behalf of plaintiff.

7 THE COURT: Good morning.

8 So I have now the amended answer that was filed,  
9 which -- I think back in May -- that had -- I think it was  
10 going to address some issues that had been raised by the  
11 plaintiff. Discovery should be proceeding. Where are things?

12 MR. FICZKO: Correct, your Honor. We're moving  
13 forward with discovery. Both parties responded to written  
14 discovery. I'm currently in the process of reviewing the  
15 documents that were produced. I intend to be issuing a  
16 30(b)(6) deposition shortly. And the named plaintiff has  
17 already sat for his deposition.

18 THE COURT: Any disputes that have come up?

19 MR. MILLER: No, I don't think so.

20 MR. FICZKO: No.

21 MR. MILLER: I think we produced most, if -- maybe  
22 all, of our responsive documents in the mandatory initial  
23 disclosures; but we're reviewing to make sure that everything  
24 gets produced. As counsel said, we've taken the plaintiff's  
25 deposition. They'll probably want some depositions. We'll

1 want to have some probably third-party depositions. And we  
2 think the current discovery deadline is fine, and we'll meet  
3 it.

4 THE COURT: Okay. Where are the parties with respect  
5 to the possibility of settlement?

6 MR. FICZKO: Your Honor, we really haven't had any  
7 settlement discussions.

8 THE COURT: Do you know each other's positions? And,  
9 if not, is there a reason why you couldn't exchange initial  
10 settlement demands and response at this point?

11 MR. MILLER: We're always open to settlement  
12 discussions. We haven't received a demand from the plaintiff.  
13 If they would be interested in making a demand, we'll consider  
14 it.

15 THE COURT: Okay. So here's what I'm going to do:  
16 I'm going to set a status date, let's say, early November  
17 because there's a while left in discovery.

18 THE CLERK: November 6th.

19 THE COURT: Okay. November 6th will be the status  
20 date. So what I would like, to make sure that you discuss  
21 settlement before you come back to see me, is I would like a  
22 written settlement demand to be provided by the plaintiff no  
23 later than October 1st and a written response no later than  
24 October 15th. And then by the time you come in and see me,  
25 you should have a pretty good idea of whether or not it makes

1 sense for you to have a little bit of a detour for a  
2 settlement conference.

3 Any other issues for today?

4 MR. MILLER: No.

5 MR. FICZKO: No, your Honor.

6 THE COURT: Okay.

7 MR. MILLER: Thank you.

8 MR. FICZKO: Thank you.

9 THE COURT: Thank you.

10 (Which were all the proceedings heard.)

11 \* \* \* \* \*

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13 I certify that the foregoing is a correct transcript from the  
14 record of proceedings in the above-entitled matter.

15 /s/ Nancy C. LaBella  
16 Official Court Reporter

October 4, 2019

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